

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SCOTT A. STEPIEN,

Plaintiff,

v.

ORDER
08-CV-487

DAVID S. SCHAUBERT, et al.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On July 30 and 31, 2009, defendants filed motions for summary judgment. On February 23, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motions for summary judgment be granted.

Plaintiff filed objections to the Report and Recommendation on March 22, 2010. Oral argument on the objections was held on May 10, 2010, however plaintiff failed to appear.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the defendants, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motions for summary judgment are granted and the case is dismissed in its entirety. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 11, 2010